



**US Army Corps  
of Engineers**  
Portland District

# **PUBLIC NOTICE**

## **for Permit Application**

**Issue Date:** December 11, 2008

**Expiration Date:** December 26, 2008

**Corps of Engineers No:** NWP-2000-320/2

**Oregon Department of State Lands No:** 30514-FP

### **15-Day Notice**

---

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached plan.

**Comments:** Comments on the described work should reference the U.S. Army Corps of Engineers number shown above and reach this office no later than the above expiration date of this Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers  
Mr. Benny Dean Jr.  
1600 Executive Parkway, Suite 210  
Eugene, Oregon 97401-2156

**Applicant:** Timberhill Partners LLC.  
Walnut Professional LLC.  
P.O. Box 13969  
Salem, Oregon 97309-1696

**Location:** The project is located northwest of the intersection of Kings Boulevard and Walnut Boulevard, in Corvallis, Benton County, Oregon. The site is in Section 22 of Township 11 South, 5 West.

**Waterway:** Approximately 3.12 acres of wetlands which flow through a drainage into Dixon Creek.

**Project Description:** The project involves developing 22.36 acres to construct medium-high density housing and professional offices in Timberhill Subdivision. The project purpose and need have not changed from the previous public notice on July 23, 2003. The wetlands which were not filled will be completed with the additional time allotted. Approximately 34,000 cubic yards of fill material would be placed into the remaining wetlands. Kings Boulevard would be extended north of Walnut Boulevard to provide access to the proposed development.

**Mitigation:** The applicant has performed the required compensatory wetland mitigation for the impacts to waterways. If a permit is issued, the Corps will determine what is appropriate and practicable compensatory mitigation. The amount of compensatory mitigation required shall be commensurate with the anticipated impacts of the project.

**Purpose:** The project purpose is to develop a site for commercial and residential needs for the increasing population within the City limits of Corvallis.

**Drawing(s):** Four (4) drawings are attached and labeled Corps No. NWP-2000-320/2.

**Additional Information:** Additional information may be obtained from Mr. Benny Dean Jr., Project Manager, U.S. Army Corps of Engineers at (541) 465-6761 or email [Benny.A.Dean@usace.army.mil](mailto:Benny.A.Dean@usace.army.mil).

**Authority:** This permit will be issued or denied under the following:

Section 404, Clean Water Act (33 U.S.C. 1344), for discharge of dredged or fill material into waters of the United States.

**Water Quality Certification:** A permit for the described work will not be issued until certification, as required under Section 401 of the Clean Water Act (P.L. 95-217), has been received or is waived from the certifying state. Attached is the state's notice advertising the request for certification.

**Section 404(b)(1) Evaluation:** The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404(b)(1) of the Clean Water Act.

**Public Hearing:** Any person may request in writing within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state with particularity the reasons for holding a public hearing.

**Endangered Species:** Preliminary determinations indicate that the described activity will not affect endangered species. Consultation under Section 7 of the Endangered Species Act of 1973 (87 Stat. 844) is not required for the described activity.

**Cultural Resources:** A historic properties investigation has been conducted within the permit area. No sites determined eligible for or listed on the National Register of Historic Places were found to exist within the permit area.

This notice has been provided to the State Historic Preservation Office, interested Native American Indian Tribes, and other interested parties. If you have information pertaining to cultural resources within the permit area, please provide this information to the Corps project manager (identified on page 1 of this notice) to assist in a complete evaluation of potential effects.

**Evaluation:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the described activity will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**Additional Requirements:** State law requires that leases, easements, or permits be obtained for certain works or activity in the described waters. These State requirements must be met where applicable, and a Department of the Army permit must be obtained before any work within the applicable Statutory Authority previously indicated may be accomplished. Other local governmental agencies may also have ordinances or requirements, which must be satisfied before the work is accomplished.

**PUBLIC NOTICE**  
**Oregon Department of Environmental Quality (DEQ)**  
**Water Quality 401 Certification**

**Corps of Engineers No:** NWP-2000-320/2

**Notice Issued:** December 11, 2008

**Oregon Department of State Lands No:** 30514-FP    **Written Comments Due:** December 26, 2008

**WHO IS THE APPLICANT:** Timberhill Partners LLC.  
Walnut Professional LLC.

**LOCATION OF CERTIFICATION ACTIVITY:** See attached U.S. Army Corps of Engineers public notice.

**WHAT IS PROPOSED:** See attached U.S. Army Corps of Engineers public notice on the proposed project.

**NEED FOR CERTIFICATION:** Section 401 of the Federal Clean Water Act requires applicants for Federal permits or licenses to provide the Federal agency a water quality certification from the State of Oregon if the proposed activity may result in a discharge to surface waters.

**DESCRIPTION OF DISCHARGES:** See attached U.S. Army Corps of Engineers public notice on the proposed project.

**WHERE TO FIND DOCUMENTS:** Documents and related material are available for examination and copying at Oregon Department of Environmental Quality, Northwest Region, 401 Water Quality Certification Coordinator, 2020 SW Fourth Avenue, Suite 400, Portland, Oregon 97201-4987.

While not required, scheduling an appointment will ensure documents are readily accessible during your visit. To schedule an appointment please call Ms. Jan Coomler at (503) 229-5087.

Any questions on the proposed certification may be addressed to the 401 Water Quality Certification Coordinator, (503) 229-6030 or toll free within Oregon at (800) 452-4011. People with hearing impairments may call DEQ's TTY at (503) 229-6993.

**PUBLIC PARTICIPATION:**

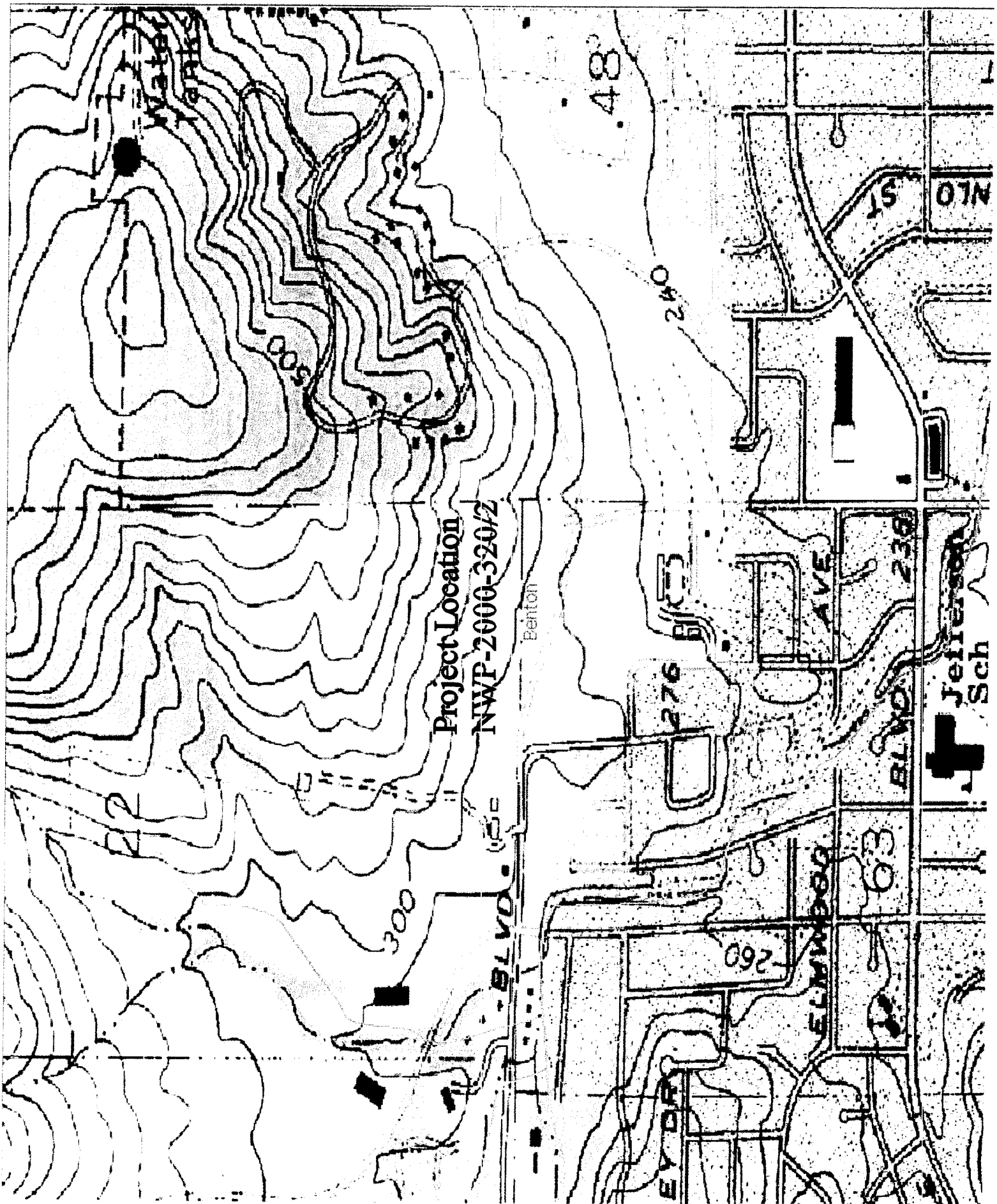
**Public Hearing:** Oregon Administrative Rule (OAR) 340-48-0020 (6) states that "The Corps provides public notice of and opportunity to comment on the applications, including the application for certification, provided that the department (DEQ), in its discretion, may provide additional opportunity for public comment, including public hearing."

**Written comments:**

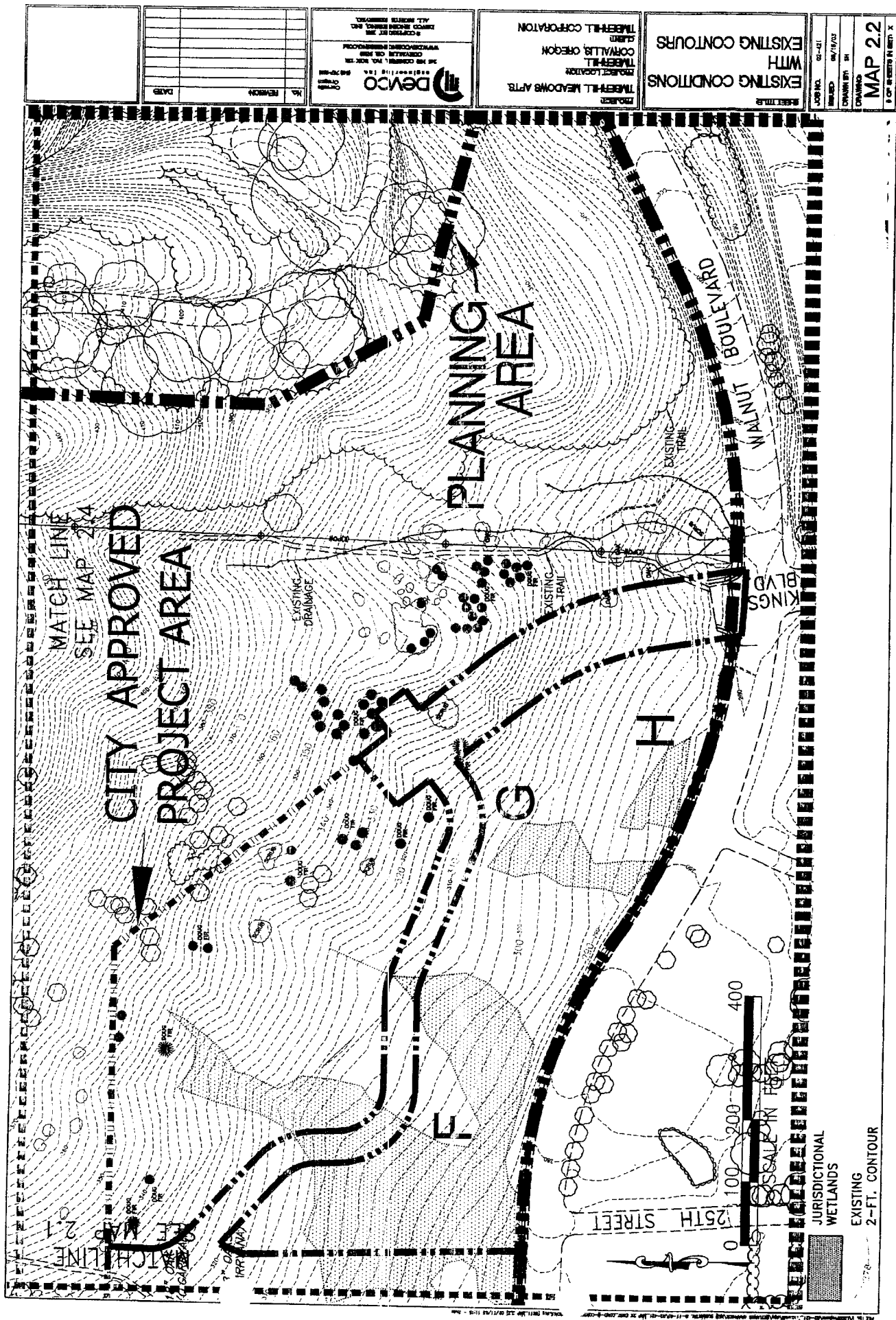
Written comments on the proposed certification must be received at the Oregon Department of Environmental Quality by 5 p.m. on **(December 26, 2008)**. Written comments should be mailed to Oregon Department of Environmental Quality, Northwest Region, Attn: 401 Water Quality Certification Coordinator, 2020 SW Fourth Avenue, Suite 400, Portland, Oregon 97201-4987 or faxed to (503) 229-6957. *People wishing to send written comments via e-mail should be aware that if there is a delay between servers or if a server is not functioning properly, emails should be aware that if there is a delay between servers or if a server is not functioning properly, emails may not be received prior to the close of the public comment period.* People wishing to send comments via e-mail should send them in Microsoft Word (through version 7.0), WordPerfect (through version 6.x) or plain text format to [401publiccomments@deq.state.or.us](mailto:401publiccomments@deq.state.or.us). Otherwise, due to conversion difficulties, DEQ recommends that comments be sent in hard copy.

**WHAT HAPPENS NEXT:** DEQ will review and consider all comments received during the public comment period. Following this review, the permit may be issued as proposed, modified, or denied. You will be notified of DEQ's final decision if you present either oral or written comments during the comment period. Otherwise, if you wish to receive notification, please call or write DEQ at the above address.

**ACCESSIBILITY INFORMATION:** This publication is available in alternate format (e.g. large print, Braille) upon request. Please contact DEQ Public Affairs at (503) 229-5766 or toll free within Oregon at (800) 452-4011 to request an alternate format. People with a hearing impairment can receive help by calling DEQ's TTY at (503) 229-6993.

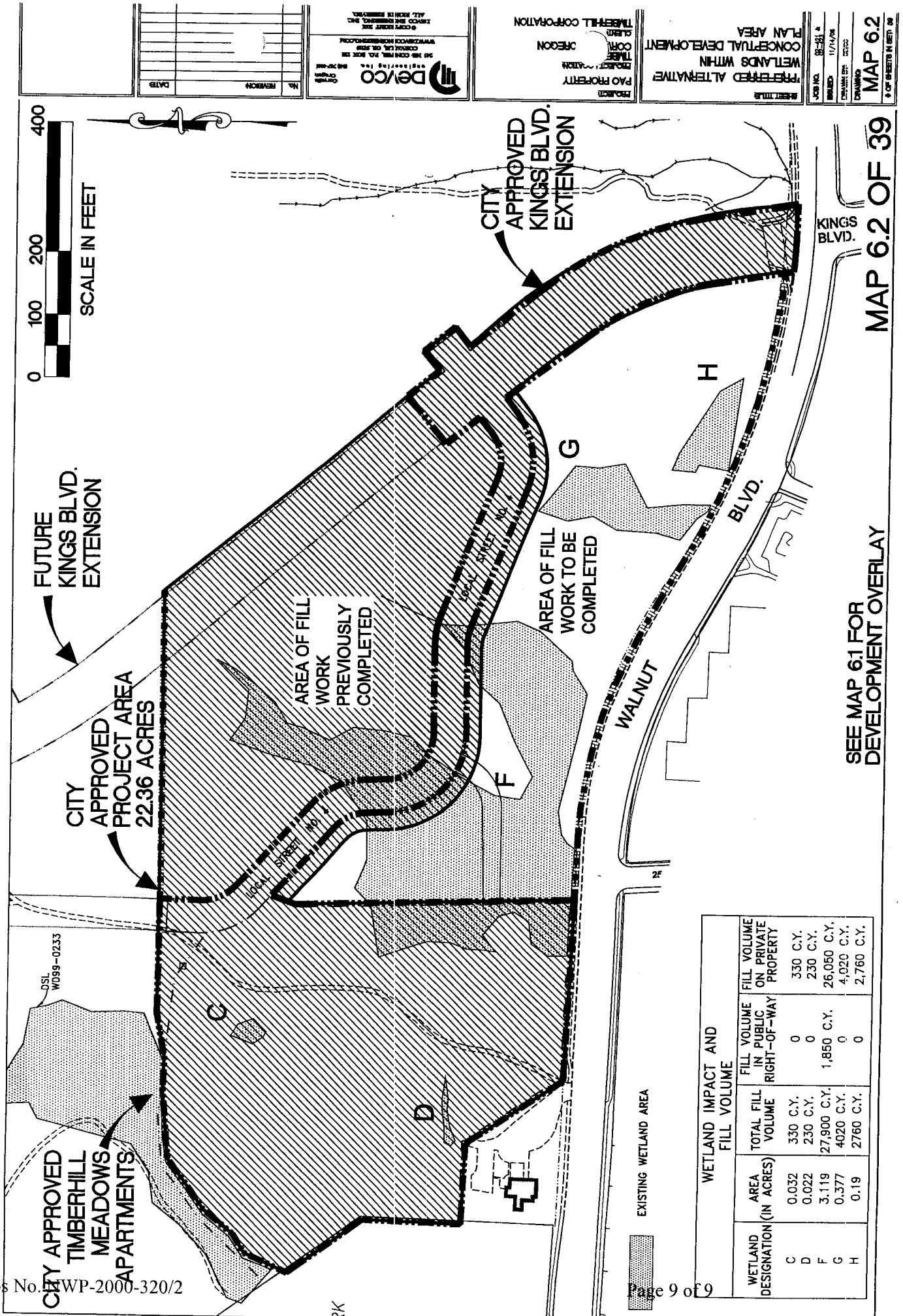






<b>Develco</b> 10000 N. DEVELCO BLVD. SUITE 100 CORVALLIS, OR 97331 (503) 839-1111 FAX (503) 839-1112		<b>THURGOOD LAWRENCE LLP</b> 1000 N. WASHINGTON ST. SUITE 1000 CORVALLIS, OR 97331 (503) 839-1111 FAX (503) 839-1112	<b>THURGOOD LAWRENCE LLP</b> 1000 N. WASHINGTON ST. SUITE 1000 CORVALLIS, OR 97331 (503) 839-1111 FAX (503) 839-1112
PROJECT LOCATION THURGOOD LAWRENCE LLP CORVALLIS, OREGON	CLIENT THURGOOD LAWRENCE LLP CORVALLIS, OREGON	EXISTING CONDITIONS WITH EXISTING CONTOURS	
JOB NO. 00-011	DATE 04/19/03	DRAWN BY BH	CHECKED BY BH
<b>MAP 2.2</b>			1" = 100'





SEE MAP 6.1 FOR DEVELOPMENT OVERLAY

MAP 6.2 OF 39

MAP 62

WETLANDS WITHIN  
PREFERRED ALTERNATIVE  
CONCEPTUAL DEVELOPMENT  
PLAN AREA

PAO PROPERTY  
TIMBERHILL CORPORATION  
OREGON

DeVCO  
240 NW COMM. BLVD. SUITE 200  
PORTLAND, OR 97201  
503.241.1111

DATE: \_\_\_\_\_  
REVISION: \_\_\_\_\_  
NO. \_\_\_\_\_